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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,608	08/04/2003	Scott H. Mills	1033-T00505	1607
60533 7590 12/26/2007 TOLER LAW GROUP 8500 BLUFFSTONE COVE SUITE A201 AUSTIN, TX 78759			EXAMINER CAMPBELL, JOSHUA D	
			ART UNIT 2178	PAPER NUMBER
			MAIL DATE 12/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/604,608

Applicant(s)

MILLS ET AL.

Examiner

Joshua D. Campbell

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2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-10,12,13,16-20,22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-10,12,13,16-20,22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Request for continued examination filed 10/31/2007.

2. Claims 1, 2, 4, 6-10, 12, 13, 16, 17, 20, 22 and 23 are pending in this case. Claims 1, 10, and 12 are independent claims. Claims 1, 10, 12, and 19 have been amended. Claims 14 and 21 have been cancelled.

3. The rejection of claims 10, 12, 13, 16-18, 20, 22, and 23 under 35 U.S.C. 103(a) as being unpatentable over Halvorson et al. (hereinafter Halvorson, "Microsoft Office XP Inside Out," published in 2001) in view of Michelman et al. (hereinafter Michelman, US Patent Number 5,987,481, issued November 16, 1999) has been withdrawn due to amendments.

4. The rejection of claim 19 under 35 U.S.C. 103(a) as being unpatentable over Halvorson et al. (hereinafter Halvorson, "Microsoft Office XP Inside Out," published in 2001) in view of Michelman et al. (hereinafter Michelman, US Patent Number 5,987,481, issued November 16, 1999), further in view of Anson (US Patent Application Publication Number 2003/0061193, filed September 24, 2001) has been withdrawn due to amendments, a new grounds of rejection has been presented below.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 12, 13, and 16-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims are non-statutory for at least the reason that the system does not necessarily require any hardware elements as claimed, additionally if it was intended to claim the apparatus as a piece of software then the claims are not tangibly embodied in a manner so as to be executable (i.e. stored on a computer readable storage medium which does not include a carrier wave or other form of transmission medium). Proper correction is required.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1, 2, 4, and 6-9 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Halvorson et al. (hereinafter Halvorson, "Microsoft Office XP Inside Out," published in 2001) in view of Michelman et al. (hereinafter Michelman, US Patent Number 5,987,481, issued November 16, 1999).

Regarding independent claim 1, Halvorson discloses receiving a selection of multiple spreadsheets and multiple portions of those spreadsheets via a graphical control panel (pages 689-693 of Halvorson). Halvorson discloses that the data portions are retrieved and appended to the generated final report spreadsheet, including

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appending information identifying the sources of the data portions (pages 694-697 of Halvorson). Halvorson discloses that receiving a selection of portions of data comprising setting functions (predefined) for desired text in the spreadsheet (pages 694-697 of Halvorson). Halvorson does not explicitly disclose that searching the spreadsheet for elements fulfills the functions. However, Michelman discloses that spreadsheet are searched in order to generate a list of labels within the spreadsheet that match the custom label references identified in the formula (column 1, line 56-column 3, line 25 of Michelman), thus the custom stored function is used as a predefined search to identify portions of data. It would have been obvious to one of ordinary skill in the art to have combined the teachings of Halvorson with the teachings of Michelman because it would have allowed the spreadsheet program to automatically select the portions of the spreadsheet that reference the elements the user would like to be included in functions.

Regarding dependent claims 2, 4, and 6, Halvorson discloses the ability to make a selection of a workbook, a worksheet, and any portion of a worksheet including cells, rows, columns, etc. to be used in the creation of the final report spreadsheet (pages 689-693 of Halvorson).

Regarding dependent claim 7, Halvorson does not explicitly disclose that searching the spreadsheet for desired text. However, Michelman discloses that spreadsheet are searched in order to generate a list of labels (desired text) within the spreadsheet that match the label references identified in the formula (column 1, line 56-column 3, line 25 of Michelman), thus the predefined function is used as a predefined

search to identify portions of data. It would have been obvious to one of ordinary skill in the art to have combined the teachings of Halvorson with the teachings of Michelman because it would have allowed the spreadsheet program to automatically select the portions of the spreadsheet that reference the elements the user would like to be included in functions.

Regarding dependent claim 8, Halvorson discloses that additional data not found in the selected spreadsheets may also be appended to the final report spreadsheet (pages 694-697 of Halvorson).

Regarding dependent claim 9, Halvorson discloses that receiving a selection of portions of data comprising setting functions (predefined) for desired text in the spreadsheet (pages 694-697 of Halvorson). Halvorson does not explicitly disclose that searching the spreadsheet for elements fulfills the predetermined functions. However, Michelman discloses that spreadsheet are searched in order to generate a list of labels within the spreadsheet that match the label references identified in the formula (column 1, line 56-column 3, line 25 of Michelman), thus the predefined function is used as a predefined search to identify portions of data. It would have been obvious to one of ordinary skill in the art to have combined the teachings of Halvorson with the teachings of Michelman because it would have allowed the spreadsheet program to automatically select the portions of the spreadsheet that reference the elements the user would like to be included in functions.

8. Claims 10, 12, 13, 16-18, 20, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halvorson et al. (hereinafter Halvorson, "Microsoft Office XP Inside Out," published in 2001) in view of Michelman et al. (hereinafter Michelman, US Patent Number 5,987,481, issued November 16, 1999), further in view of Advanced Excel Find (hereinafter AEF, published June 2, 2003).

Regarding independent claim 10, Halvorson discloses receiving a selection of multiple spreadsheets and multiple portions of those spreadsheets via a graphical control panel (pages 689-693 of Halvorson). Halvorson discloses that the data portions are searched for and retrieved and appended to the generated final report spreadsheet, including appending information identifying the sources of the data portions (pages 694-697 of Halvorson). Halvorson discloses that receiving a selection of portions of data comprising setting functions (predefined) for desired text in the spreadsheet (pages 694-697 of Halvorson). Halvorson does not explicitly disclose that searching the spreadsheet for elements fulfills the functions. However, Michelman discloses that spreadsheet are searched in order to generate a list of labels within the spreadsheet that match the label references identified in the formula (column 1, line 56-column 3, line 25 of Michelman), thus the predefined function is used as a predefined search to identify portions of data. It would have been obvious to one of ordinary skill in the art to have combined the teachings of Halvorson with the teachings of Michelman because it would have allowed the spreadsheet program to automatically select the portions of the spreadsheet that reference the elements the user would like to be included in functions.

Neither Halvorson nor Michelman disclose having a graphic control panel that allows the selection of all workbooks for searching purposes. However, AEF teaches that a graphic control panel may be used within the framework of Excel's built in Find feature to allow the user to select for searching any and all workbooks and worksheets (page 1 of AEF). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Halvorson and Michelman with the teachings of AEF because it would have made the process of searching in Excel more effective and comfortable.

Regarding independent claim 12, Halvorson discloses receiving a selection of multiple spreadsheets and multiple portions of those spreadsheets via a graphical control panel (pages 689-693 of Halvorson). Halvorson discloses that the data portions are identified in predetermined functions and retrieved and appended to the generated final report spreadsheet, including appending information identifying the sources of the data portions (pages 694-697 of Halvorson). Halvorson discloses that receiving a selection of portions of data comprising setting functions (predefined) for desired text in the spreadsheet (pages 694-697 of Halvorson). Halvorson does not explicitly disclose that searching the spreadsheet for elements fulfills the functions. However, Michelman discloses that spreadsheet are searched in order to generate a list of labels within the spreadsheet that match the label references identified in the formula (column 1, line 56-column 3, line 25 of Michelman), thus the predefined function is used as a predefined search to identify portions of data. It would have been obvious to one of ordinary skill in the art to have combined the teachings of Halvorson with the teachings of Michelman

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because it would have allowed the spreadsheet program to automatically select the portions of the spreadsheet that reference the elements the user would like to be included in functions.

Neither Halvorson nor Michelman disclose having a graphic control panel that allows the selection of all workbooks for searching purposes. However, AEF teaches that a graphic control panel may be used within the framework of Excel's built in Find feature to allow the user to select for searching any and all workbooks and worksheets (page 1 of AEF). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Halvorson and Michelman with the teachings of AEF because it would have made the process of searching in Excel more effective and comfortable.

Regarding dependent claims 13, 16, and 17, Halvorson discloses the ability to open a workbook, all workbooks open, and one or more worksheets and then select data from within the opened files (pages 689-693 of Halvorson).

Regarding dependent claim 18, Halvorson discloses the use of a status indicator in the graphical control panel (page 605, Figure 21-1).

Regarding dependent claim 20, Halvorson discloses at least one window is used to receive selection of spreadsheets and the portions within those spreadsheets (pages 694-697 of Halvorson).

Regarding dependent claim 22, Halvorson discloses that receiving a selection of portions of data comprising setting functions (predefined) for desired text in the spreadsheet (pages 694-697 of Halvorson). Halvorson does not explicitly disclose that

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searching the spreadsheet for elements fulfills the predetermined functions. However, Michelman discloses that spreadsheet are searched in order to generate a list of labels within the spreadsheet that match the label references identified in the formula (column 1, line 56-column 3, line 25 of Michelman), thus the predefined function is used as a predefined search to identify portions of data. It would have been obvious to one of ordinary skill in the art to have combined the teachings of Halvorson with the teachings of Michelman because it would have allowed the spreadsheet program to automatically select the portions of the spreadsheet that reference the elements the user would like to be included in functions.

Regarding dependent claim 23, Halvorson discloses that the resulting spreadsheet contains data identifying sources of the portions of data (pages 693-697 see "Linking..." and "Consolidating..." of Halvorson)

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halvorson et al. (hereinafter Halvorson, "Microsoft Office XP Inside Out," published in 2001) in view of Advanced Excel Find (hereinafter AEF, published June 2, 2003), further in view of Anson (US Patent Application Publication Number 2003/0061193, filed September 24, 2001).

Regarding dependent claim 19, none of Halvorson, Michelman, or AEF disclose using an event logger to tracking the events that take place during processing. However, Anson teaches logging events in the system during processing and presenting that log to a user (page 1, paragraph 0006 of Anson). It would have been

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obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Halvorson, Michelman, and AEF with the teachings of Anson because analyzing and examining entries in a log would have allowed a user to prevent errors from reoccurring.

Response to Arguments

10. Applicant's arguments filed 10/31/2007 have been fully considered but they are not persuasive.

Regarding the arguments on page 6, paragraph 3, in reference to claim 1, the examiner maintains that the rejection is proper. Based on the combination of Halvorson and Michelman, the claimed invention as it is written has been properly rejected.

Michelman discloses that spreadsheet are searched in order to generate a list of labels within the spreadsheet that match the label references identified in the formula (column 1, line 56-column 3, line 25 of Michelman), thus the predefined function is used as a predefined search to identify portions of data. In other words, the functions and the labels in the functions are created by a user, and are therefore custom. This customized data is stored as a part of the spreadsheet and used as a basis for the predetermined search disclosed by Michelman, thus the current amendments due not overcome the rejection based on the art. Thus, the rejection has been maintained.

11. Applicant's arguments with respect to claims 10, 12, 13, 16, 17, 20, 22, and 23 have been considered but are moot in view of the new ground(s) of rejection.

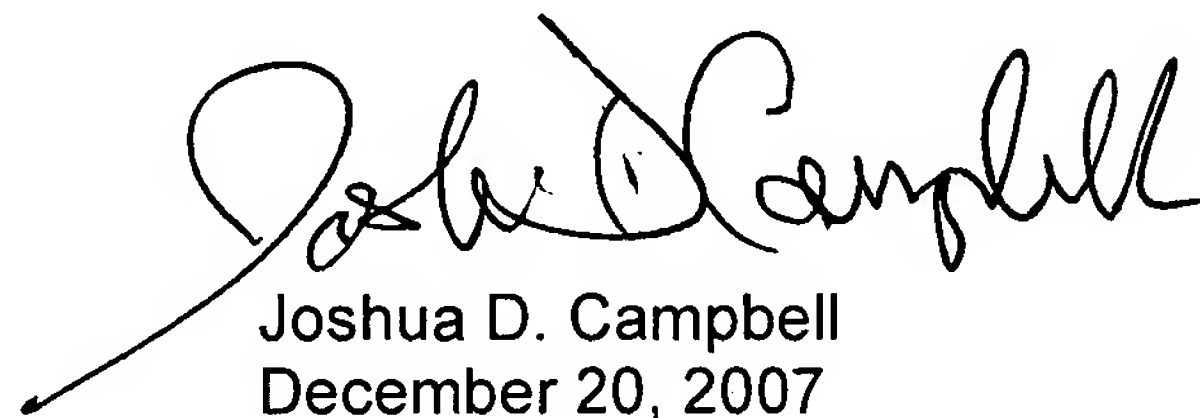
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Joshua D. Campbell
December 20, 2007